

## Proposed Changes to Utah Underground Storage Tank Rules- Draft 3/2/09

*New Operator Training rules to be added to R311-201. Rule wording to be removed is ~~struck out~~ and wording to be added is underlined.*

### **R311-201-12. Operator Training and Registration.**

(a) To meet the requirements of Section 42 USC 6991i of the Solid Waste Disposal Act, each UST facility shall, by January 1, 2011, have UST facility operators that are trained and registered according to the requirements of this section. Each facility shall have three classes of operators, A, B, and C.

(b) The UST owner or operator shall provide documentation to the Executive Secretary to identify the Class A, B, and C operators for each facility. If an owner or operator does not register and identify Class A, B, and C operators for a facility, the Executive Secretary shall revoke the certificate of compliance for the facility.

(c) After January 1, 2011, new Class A and B operators shall be trained and registered within 30 days of assuming responsibility for an UST facility. New Class C operators shall be trained before assuming the responsibilities of a Class C operator.

(d) The Class A operator shall be an owner or employee who has primary responsibility for the broader aspects of the statutory and regulatory requirements and standards necessary to operate and maintain the UST system. The Class A operator shall:

- (1) have a general knowledge of UST systems;
- (2) maintain appropriate records;
- (3) ensure that yearly UST fees are paid;
- (4) properly respond to and report emergencies caused by releases or spills from USTs;
- (5) make financial responsibility documents available to the Executive Secretary as required; and
- (6) ensure that Class B and Class C operators are trained and registered.

(e) The Class B operator shall implement routine daily aspects of operation, maintenance, and recordkeeping for UST systems. The Class B operator shall be an owner, employee, or contractor working for the UST owner or operator. The Class B operator shall:

- (1) conduct on-site UST operator inspections according to the requirements of Subsection R311-201-12(h);
- (2) ensure that UST release detection is performed according to 40 CFR 280 Subpart D;
- (3) monitor the status of UST release detection every seven days;
- (4) ensure that appropriate release detection and other records are kept and made available for inspection;
- (5) ensure that spill prevention, overfill prevention, and corrosion protection requirements are met;
- (6) be on site for facility compliance inspections, or designate another individual to be on site for inspections;
- (7) ensure that suspected releases are reported according to the requirements of 40 CFR 280.50;
- (8) report the discovery of any release caused by or encountered in the course of performing duties to the local health district, the local public safety office, and the Executive Secretary within 24 hours; and
- (9) ensure that Class C operators are trained and registered, and are on-site during operating hours.

(f) An individual who contracts to act as a Class B operator for an UST owner or operator, and is not the owner or operator, or an employee of the owner or operator, shall be certified as an UST inspector according to Section R311-201-2, and shall meet all requirements of an UST inspector.

(g) The Class C operator is an employee and is generally the first line of response to events indicating emergency conditions. A Class C operator shall:

- (1) be present at the facility at all times during normal operating hours;
- (2) monitor product transfer operations according to 40 CFR 280.30(a), to ensure that spills and overfills do not occur;
- (3) properly respond to alarms, spills, and overfills;
- (4) notify Class A and/or Class B operators and appropriate emergency responders when necessary;

and

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(5) act in response to emergencies and other situations that pose an immediate danger or threat to the public or to the environment, and that require immediate action.

(h) UST Operator Inspections.

(1) The designated Class B operator shall conduct an on-site operator inspection of each facility every 30 days, and ensure that:

(A) release detection monitoring is properly operating;

(B) spill, overfill, and corrosion protection systems are in place and operational;

(C) routine operational and maintenance activities have been accomplished;

(D) the tag or other identifying method issued under Subsection 19-6-411(7) is properly in place on each tank; and

(E) documentation of each operator inspection is kept and made available for review by the Executive Secretary.

(2) The Class B operator shall use the form "UST Operator Inspection" to conduct on-site operator inspections. The form, dated March 1, 2009, and including information required to be completed during the inspection, is hereby incorporated by reference.

(3) The Executive Secretary may allow operator inspections to be performed less frequently in situations where it is impractical to conduct an inspection every 30 days. The owner or operator shall request the exemption, justify the reason for the exemption, and submit a plan for conducting operator inspections at the facility.

(4) An UST facility whose tanks are properly temporarily closed according to 40 CFR 280.70 and R311-204-4 shall have an operator inspection at least every 90 days.

(i) A facility that normally has no employee or other responsible person on site, or is open to dispense fuel at times when no employee or responsible person is on site, shall have:

(1) a sign posted in a conspicuous place, giving the name and telephone number of the facility owner, operator, or local emergency responders, and

(2) an emergency shutoff device, if the facility dispenses fuel.

(j) Operator Training and Registration.

(1) Training and testing.

(A) Applicants for Class A and B operator registration shall successfully complete an approved operator training course within the six-month period prior to registration. The training course shall include instruction in the following: notification, temporary and permanent closure, installation permitting, underground tank requirements of the 2005 Energy Policy Act, Class A, B, and C operator responsibilities, spill prevention, overfill prevention, UST release detection, corrosion protection, record-keeping requirements, emergency response, product compatibility, Utah UST rules and regulations, UST Financial Responsibility, and delivery prohibition.

(B) The Executive Secretary shall approve the content of all training and re-training programs for Class A and B operators.

(C) Applicants for Class A and B operator registration shall successfully pass a registration examination administered under the direction of the Executive Secretary. The Executive Secretary shall determine the content of the examination.

(D) Class C operators shall receive instruction in product transfer procedures, emergency response, and initial response to alarms and releases.

(2) Registration application.

(A) Applicants for Class A and B operator registration shall submit a registration application to the Executive Secretary, shall document proper training, and shall pay any applicable fees.

(B) Class C operators shall be designated and trained by a Class B operator, and shall be registered by identification on a memorandum for record, indicating the date of training and the trainer.

(C) A registered Class A or B operator may act as a Class C operator by meeting the training and registration requirements for a Class C operator.

(D) Class A and B registration shall be effective for a period of three years, and shall not lapse or expire if the registered operator leaves the employment of the company under which the registration was

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obtained.

(3) Renewal of registration.

(A) A Class A or B operator may apply for renewal of registration not more than six months prior to the expiration of the registration by:

(i) submitting a completed application form;

(ii) paying any applicable fees; and

(iii) documenting successful completion of any re-training required by Subsection R311-201-12(k).

(B) If the Executive Secretary determines that the operator meets all the requirements for registration, the Executive Secretary shall renew the applicant's registration for a period equal to the initial registration.

(C) Any applicant for renewal who has a registration that has been expired for more than two years prior to submitting a renewal application shall successfully satisfy the training and examination requirements for initial registration under Subsection R311-201-12(j)(1) before receiving the renewal registration.

(k) Re-training.

(1) The Class A operator shall be subject to re-training requirements if any facility for which the Class A operator has oversight is found to be out of compliance due to:

(A) lapsing of certificate of compliance;

(B) failure to provide acceptable financial responsibility; or

(C) failure to ensure that Class B and C operators are trained and registered.

(2) The Class B operator shall be subject to re-training requirements if a facility for which the Class B operator has oversight is found to be out of compliance due to:

(A) failure to document significant operational compliance, as determined by the leak prevention and leak detection matrices incorporated by reference in Subsection R311-206-10(b)(1);

(B) failure to perform facility on-site inspections required by Subsection R311-201-12(h);

(C) failure to have the tag or other identifying method issued under Subsection 19-6-411(7) properly in place on each tank; or

(D) failure to ensure that Class C operators are trained and registered, and are on-site during operating hours.

(3) To be re-trained, Class A and Class B operators shall successfully complete the appropriate Class A or B operator training course and examination, or shall complete an equivalent re-training course and examination approved by the Executive Secretary.

(4) Class A and B operators shall be re-trained within 90 days of the determination of non-compliance, and shall submit documentation showing successful completion of the re-training to the Executive Secretary within 30 days of the re-training. If the documentation is not received, the Executive Secretary shall revoke the certificate of compliance for the facility.

(5) Re-training shall be valid for the remainder of the state of Utah fiscal year in which the determination of non-compliance was made.

(l) Reciprocity.

(1) If the Executive Secretary determines that another state's operator training program is equivalent to the operator training program provided in this rule, he may accept an applicant's Class A or Class B registration application, provided that the applicant:

(A) submits a completed application form;

(B) passes the Utah operator registration examination referenced in Subsection R311-201-12(j)(1)(C), and

(C) submits payment of any applicable registration fees.

(2) The Class A or Class B registration shall be valid until the Utah registration expiration described in Subsection R311-201-12(j)(2)(D).